

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:

DVI, INC., *et al.*

Debtors.

THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS OF DVI INC., *et. al.*,
al., on behalf of DVI INC., *et. al.*,

Plaintiff,

- against -

U.S. BANK NATIONAL ASSOCIATION, f/k/a
FIRST TRUST NATIONAL ASSOCIATION, as
trustee, NOMURA CREDIT & CAPITAL, INC.,
FAIRWAY FINANCE CORPORATION, and
HARRIS NESBITT CORP. a/k/a BMO Nesbitt
Burns Corp.,

Defendants.

Chapter 11

Case Nos. 03-12656 through
03-12658

(Jointly Administered)

Adv. Pro. No. 03-59022

C.A. No. 04-0164 (JJF)

STIPULATION OF DISMISSAL OF APPEAL

IT IS HEREBY STIPULATED by and between the parties to this Action, pursuant to Federal Rules of Bankruptcy Procedure 8001(c)(2) and through their undersigned counsel, that the Appeal be dismissed.

STIPULATED AND AGREED:

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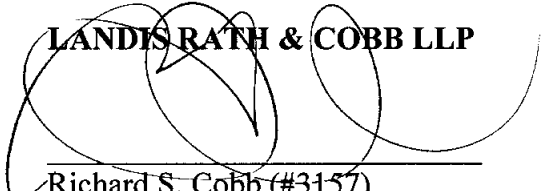
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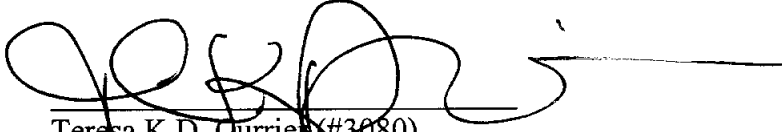
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It is so **ORDERED** this _____ day
of _____, 2005.

Joseph J. Farnan, United States District Judge

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FOR THE DISTRICT OF DELAWARE**

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FIRST TRUST NATIONAL ASSOCIATION,
as trustee, NOMURA CREDIT & CAPITAL,
INC., FAIRWAY FINANCE CORPORATION,
and HARRIS NESBITT CORP. a/k/a BMO
Nesbitt Burns Corp.,**

Defendants.

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(Jointly Administered)

Adv. Pro. No. 03-59022

C.A. No. 04-0164 (JJF)

CERTIFICATE OF SERVICE

I, Heidi E. Sasso, certify that I am not less than 18 years of age, and that on July 26, 2005, I caused service of the foregoing Stipulation of Dismissal of Appeal on the following parties in the manner indicated:

VIA Electronic Mail

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Dated: July 26, 2005

_____/s/ Heidi E. Sasso_____
Heidi E. Sasso